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Date of Deposit: - August 9, 2005

Type of Document(s):

- Transmittal Form (PTO/SB/21)
- Amendment and Response to Non-Final Office Action (17 pages)
- Postcard Receipt

Application No.: - 10/037,085

Filed: - December 20, 2001

Applicant(s): - Kenneth M. MAXHAM

Title: - SYSTEM AND METHOD FOR SELECTING THE PLACEMENT OF OPTICAL AMPLIFIERS IN AN OPTICAL NETWORK

Examiner: - Christina Y. Leung

Art Unit: - 2633

Attorney Docket No.: - CIE-0063 (21216-05666)

Client Docket No.: - 10.0882 (4312)

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Barbara C. Brown
Barbara C. Brown
Paralegal

AUG 09 2005

PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

18

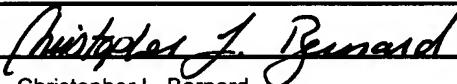
Application Number	10/037,085
Filing Date	December 20, 2001
First Named Inventor	Kenneth M. MAXHAM
Art Unit	2633
Examiner Name	Christina Y. Leung

Attorney Docket Number CIE-0063 (21216-05666)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Dougherty, Clements, Hofer, Bernard & Walker		
Signature			
Printed name	Christopher L. Bernard		
Date	August 9, 2005	Reg. No.	48,234

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Signature			
Typed or printed name	Barbara C. Brown	Date	August 9, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s))	Kenneth M. MAXHAM
Application No.)	10/037,085
Filing Date)	December 20, 2001
Title)	SYSTEM AND METHOD FOR SELECTING THE PLACEMENT OF OPTICAL AMPLIFIERS IN AN OPTICAL NETWORK
Examiner)	Christina Y. Leung
Art Unit)	2633

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450 USA

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir/Madam:

In response to the non-final Office Action mailed May 17, 2005, rejecting Claims 1-35 of the above-referenced Application, in which Claims 1-35 are pending, Applicant respectfully requests that the following amendments be entered and remarks be considered. In view of these amendments and remarks, Applicant submits that the Application is now in condition for allowance and respectfully requests such action.